THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.393 of 1999

DATED:14.03.2006

Between:

G.K. Naik ..Petitioner

And

The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad. and another. ..Respondents

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WRIT PETITION No.393 of 1999

ORDER:

The petitioner is allegedly the owner of building bearing door Nos.4-8-764 to 4-8-774 and 4-8-750 to 4-8-908 etc., situated at Naik Colony, in Gowliguda Main Road. He alleges that on 06.01.1999, the
sub-ordinate officials of the Municipal Corporation of Hyderabad, came to petitioner's colony for laying drainage pipeline. He contends that the pipeline is being laid on his land without initiating any proceedings for acquisition. Therefore, he filed the present writ petition seeking a writ of Mandamus directing the respondents not to lay drainage pipeline on his property.

When the matter is called for hearing, learned counsel for the petitioner is absent. Learned Standing Counsel for the Municipal Corporation of Hyderabad submits that under the provisions of the Hyderabad Metropolitan Water Supply and Sewerage Board Act, 1989 ('the Act', for brevity), it is the duty of the Board constituted under the said Act to lay pipelines, sewerage lines and drainage lines and the impugned action was not initiated by the Municipal Corporation of Hyderabad. A perusal of the provisions of the Act would show that it is only the Hyderabad Metro Board, which is competent to lay the pipelines and the said Board is not made a party in this writ petition. Therefore, in the absence of necessary party, the writ, as prayed, cannot be issued.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

Dated:14.03.2006

GJ